

**SEALED***via FAX  
David D. Cardone*

Douglas M. Butz, Esq. (SBN 060722)  
 DMButz@butzdunn.com  
 Jocelyn D. Hannah, Esq. (SBN 224666)  
 David D. Cardone, Esq. (SBN 254954)  
 BUTZ DUNN & DESANTIS  
 A PROFESSIONAL CORPORATION  
 Attorneys At Law  
 101 West Broadway, Suite 1700  
 San Diego, California 92101-8289  
 (619) 233-4777 / Facsimile (619) 231-0341

08 JUN -6 PM 1:25

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CP

DEPUTY

*and*  
 BARRY L. COHEN, ESQ.  
 bcohen@thorpreed.com  
 JERRI A. RYAN, ESQ. (SBN 201814)  
 jryan@thorpreed.com  
 THORP REED & ARMSTRONG, LLP  
 2005 Market Street, Suite 1910  
 Philadelphia, Pennsylvania 19103  
 Telephone: (215) 640-8500  
 Facsimile : (215) 640-8501

Attorneys for Plaintiff,  
 United States Golf Association, Inc.

**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES GOLF ASSOCIATION,  
 INC.

Plaintiff,

v.

VARIOUS JOHN and JANE DOES,  
 Individuals,

and

VARIOUS XYZ ENTITIES,

Defendants.

CASE NO. 08 CV 0981 JM JMA  
 UNDER SEAL

AFFIDAVIT OF  
 JAMES E. FEASEL, JR.

I, James E. Feasel, Jr., being duly sworn, hereby depose and say:

ORIGINAL

1           1.     I am over eighteen (18) years of age and fully competent to make the  
2 statements herein.

3           2.     I have personal knowledge of the statements herein.

4           3.     I am currently employed by Andy Frain Services, Inc. as a security officer  
5 and report to Scott Dennison, Director of Special Events. Andy Frain Services, Inc. is  
6 providing security and related services for the United States Golf Association ("USGA") at  
7 the 2008 U.S. Open. I have worked for Andy Frain Services, Inc. since June 2006. In this  
8 position I have worked on the 2006 United States Open Golf Championship.

9           4.     I have been employed in the security field for more than 25 years.

10          5.     Over the last 18 years, since October 1989 through the present, I have been  
11 employed as a police officer with the Fort Wayne Police Department in Fort Wayne,  
12 Indiana. I presently hold the rank of Captain.

13          6.     I have also worked in the area of security for dignitary and witness  
14 protection details, as well as major sporting and concert events.

15          7.     In the past, I worked for the United States Marshall Services in St. Louis,  
16 Missouri. I also have over 4000 documented hours of advanced training in various law  
17 enforcement topics.

18          8.     I have experience working with trademark owners in the enforcement of  
19 laws related to counterfeit merchandise in conjunction events such as concerts and sporting  
20 events. My work related to those orders involved the enforcement of the orders and the  
21 seizure of counterfeit merchandise which bore registered trademarks.

22          9.     As such, I am familiar with counterfeiting activity that takes place in the  
23 United States with regard to certain events, such as sporting events and concerts.

1           10. I am part of the security team related to the USGA's 2008 U.S. Open which  
2 will take place from June 12-15, 2008 (with practice rounds from June 9-11, 2008 and the  
3 chance of a playoff taking place on June 16, 2008) at Torrey Pines South Golf Course.

4           11. Based upon my experience, I fully expect bootleggers and counterfeiters to  
5 sell or offer for sale merchandise, including but not limited to, t-shirts and hats and other  
6 clothing and/or merchandise which contain and/or include trademarks and/or other indicia  
7 which belong to USGA.

8           12. In my experience, the only effective enforcement and prevention  
9 mechanism that exists to deter and prevent such unauthorized activity at such events, such  
10 as the 2008 U.S. Open, is a Temporary Restraining Order and an Order of Seizure, without  
11 providing advanced notice to the persons selling the counterfeit merchandise.

12           13. In my experience, if advance notice is provided to the bootleggers, they will  
13 not appear at a Court hearing and/or the counterfeit merchandise will disappear in part or  
14 in its entirety.

15                       I verify under penalty of perjury that the foregoing statements are  
16 true and correct.

17           Executed this 4th day of June, 2008, in Fort Wayne, State of

18 Indiana.

19  
20  
21   
22 James E. Feasel, Jr.